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8                   **UNITED STATES DISTRICT COURT**  
9                   EASTERN DISTRICT OF CALIFORNIA  
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11 MICHAEL KRAUSE,  
12                   Petitioner,  
13                   v.  
14 TARA KRAUSE,  
15                   Respondent.

Case No. 1: 21-cv-01706-JLT-SAB  
ORDER CONVERTING EVIDENTIARY  
HEARING INTO STATUS HEARING RE  
FURTHER BRIEFING ON PENDING AND  
FORTHCOMING MOTIONS  
(ECF Nos. 38, 70, 71)

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17       This action proceeds on Michael Krause’s (“Petitioner”) verified petition for the return of  
18 children to Petitioner (ECF No. 1), brought pursuant to the Hague Convention on the Civil  
19 Aspects of International Child Abduction and the International Child Abduction Remedies Act,  
20 Pub. L. No. 100-300, 102 Stat. 437 (1988) (codified as amended at 22 U.S.C. §§ 9001 et seq.),  
21 which implements the Convention. The matter was referred to a United States Magistrate Judge  
22 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (ECF No. 17.) An evidentiary  
23 hearing is set to begin on May 25, 2022. (ECF No. 38.)

24       On May 23, 2022, at 10:22 p.m., Petitioner filed a motion to dismiss this action pursuant  
25 to Federal Rule of Civil Procedure 41(a)(2). (ECF No. 70.) In response, on May 24, 2022, Tara  
26 Krause (“Respondent”) filed a response to the Petitioner’s motion requesting that this matter be  
27 dismissed with prejudice and conditioned on an award of attorneys’ fees and costs. (ECF No.  
28 71.)

1        Given these filings, as well as the parties' previous notification to the Court of  
2 forthcoming motions for sanctions to be filed by each party against the either, the Court finds it  
3 appropriate to convert the presently scheduled evidentiary hearing into a status hearing to discuss  
4 and set any further briefing and hearing schedules in this matter.

5        Accordingly, IT IS HEREBY ORDERED that:

- 6        1.        The evidentiary hearing set for May 25, 2022, is CONVERTED to a status  
7              hearing to set a further briefing and hearing schedule on the Petitioner's motion to  
8              dismiss, Respondent's request for a dismissal conditioned on an award of  
9              attorneys' fees, as well as the potentially forthcoming motions for sanctions from  
10             each party; and
- 11        2.        The status hearing shall be held by videoconference on May 25, 2022, at 10:00  
12             a.m. in Courtroom 9 before Magistrate Judge Stanley A. Boone.

13        IT IS SO ORDERED.

14        Dated: May 24, 2022



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UNITED STATES MAGISTRATE JUDGE

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